

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CPR-02 SY-10 USSS-00 OIC-04 SCA-01 CIAE-00

DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-04 PRS-01

SPC-03 SS-20 USIA-15 ACDA-19 DRC-01 /201 W

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P 060200Z DEC 73

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 1810

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E.O. 11652: NA

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

REF: USUN 5375; USUN 5304

1. SUMMARY: AT MORNING MEETING DEC 5 OF 6TH COMMITTEE, GONZALEZ-GALVEZ PROPOSED POSTPONEMENT OF ENTIRE PACKAGE UNTIL NEXT YEAR. THIS MET WITH STRONG OBJECTIONS FROM SOVIETS AND OTHERS WHO THOUGHT WORK ON CONVENTION SHOULD BE COMPLETED THIS GA. AS RESULT OF FURTHER EFFORTS, IT APPEARS WE NOW HAVE NEW COMPROMISE PACKAGE WHICH SHOULD ALLOW ADOPTION OF CONVENTION BY LEGAL COMMITTEE DEC. 6. END SUMMARY.

2. AT MORNING MEETING LEGAL COMMITTEE DEC 5, GONZALEZ GALVEZ SAID HE REGRETTED THAT DESPITE ALL EFFORTS NO COMPROMISE REACHED AND HE PROPOSED POSTPONEMENT TO NEXT GA OF COMPLETION OF WORK ON CONVENTION ON PROTECTION OF DIPLOMATS. USSR OBJECTED STRONGLY AND SAID THAT AS ALL ISSUES ON CONVENTION SOLVED EXCEPT FOR ONE, COMMITTEE SHOULD NOT DEFER DECISION BUT SHOULD VOTE ON COMPROMISE DOCUMENT A/C.6/L.965,(USUN 5304) INDICATING THAT SEPARATE VOTES ON PARTS A AND B OF

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DOCUMENT ACCEPTABLE IF COMMITTEE SO DESIRED. BRINGING

MATTER TO VOTE SUPPORTED BY NIGERIA, GHANA AND OTHERS. NIGER, SPEAKING AS AFRICAN GROUP CHAIRMAN, SAID THAT SINCE THERE NO COMPROMISE AGREED TO, ITEM SHOULD BE POSTPONED TO NEXT GA: HOWEVER, HE SAID IF THERE VOTE PARTS A AND B OF L. 965 SHOULD BE VOTED ON SEPARATELY (SO THAT PART B COULD BE DELETED) AND AFRICAN AMENDMENTS TO PART A SHOULD BE ADOPTED (SEE PARA 1 OF USUN 5324). NIGER SUPPORTED BY MALI, DAHOMEY AND OTHERS. MEXICO, (SANCHEZ-GAVITO) (AT US ARGING) SUPPORTED BY UK, ARGUED STRENUOUSLY THAT IF PACKAGE PUT TO VOTE IT MUST BE TAKEN AS A WHOLE AND NOT IN SEPARATE PARTS. MEXICANS SUGGESTED FINAL EFFORT BE MADE BEFORE VOTING AT DRAFTING COMMITTEE MEETING AFTERNOON DEC 5. GONZALEZ-GALVEZ AGREED THAT DRAFTING COMMITTEE WOULD MAKE FINAL EFFORT AFTERNOON DEC 5 AND THAT IF NO COMPROMISE REACHED DEFERMENT AND/OR L. 965, AS A WHOLE OR IN PARTS, WOULD BE VOTED ON MORNING DEC. 6.

3. DRAFTING COMMITTEE MET AFTERNOON DEC 5 UNDER CHAIRMANSHIP OF SHITTA BEY (NIGERIA) SINCE SAHOVIC (YUGOSLAVIA) HAD DEPARTED. SHITTA BEY SUGGESTED GROUP CONCENTRATE ON RESERVATIONS ARTICLE (PART B OF A/C.6/L. 965). GROUP CONSIDERED NUMBER OF PROPOSALS WITH AFRICANS AND ARABS REFUSING TO ACCEPT ANY OF OUR PROPOSALS FOR SUBSTITUTION FOR PART B (INCLUDING THOSE SUGGESTED TELCONS) AND WE UNABLE TO ACCEPT ANY OF THEIRS.

4. SHITTA BEY AND SOVIETS PUBLICLY AND BRITISH PRIVATELY URGED WE SIMPLY DELETE PART B AND ACCEPT PART A. WE OBJECTED AND IN PROLONGED PUBLIC BACK AND FORTH WITH NJENGA (KENYA) ELABORATED FOLLOWING TEXT FOR INCLUSION IN REPORT OF 6TH COMMITTEE: "PART B HAS BEEN WITHDRAWN AS UNNECESSARY SINCE IT INCLUDES ARTICLES CONSIDERED TO INCORPORATE THE OBJECT AND PURPOSE OF THE CONVENTION."

5. GROUP AGREED TO ACCEPT THIS FORMULATION AD REFERENDUM (WITH ALGERIAN UNSUCCESSFULLY MAKING BEST EFFORTS TO BREAK IT UP).

6. MALI, ALGERIA, NIGER, AND YUGOSLAVIA THEN BEGAN URGING SERIES OF CHANGES TO PART A (THOSE TRANSMITTED PARA 1 OF LIMITED OFFICIAL USE

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USUN 5324). SOVIETS AND CHAIRMAN URGED THAT THE CHANGES WERE HARMLESS. WE AND UK STATED OUR ABILITY TO ACCEPT THE ARRANGEMENT FOR PART B AND VOTE FOR RESULTING PACKAGE WAS CONDITIONED UPON PART A BEING UNCHANGED. AFTER CONTINUED EXCHANGES WITH SHITTA BEY, AND NJENGA SIDING WITH RADICALS, UK AGREED TO ACCEPT "COULD NOT" INSTEAD OF "CANNOT" IN OP PARA 4 OF RES (COMMENT: A HARMLESS CHANGE) AND AGREED TO SEEK INSTRUCTIONS TO ACCEPT EITHER WORD "STATES" OR "RECOGNIZES"

INSTEAD OF "CONSIDERS" AS INTRODUCTORY WORD OF OP PARA 4.
(COMMENT: DIFFERENCE BETWEEN THESE WORDS TOO TRIVIAL TO MERIT
MAKING THEM BREAKING POINT.) DELOFF REFUSED TO ACCEPT INSERTION
OF WORD "ALWAYS" IN OP PARA 6 AND STATED OUR WILLINGNESS TO
SEEK AUTHORITY TO ACCEPT ABOVE TWO CHANGES CONDITIONED ON
"ALWAYS" NOT BEING PRESSED. SHITTA BEY URGED OTHERS
NOT TO INSIST ON "ALWAYS" AND THEY AGREED AD REFERENDUM
TO AFRICAN GROUP TO DROP IT.

7. WE ANTICIPATE THAT A/C.6/L.965/REV.1 WILL BE ISSUED
MORNING DEC 6. DURING CONSULTATIONS MORNING DEC 6 SHITTA
BEY EXPECTS FINALIZE WHETHER INTRODUCTORY WORD TO OP PARA
4 OF RES IS "CONSIDERS", "STATES", OR "RECOGNIZES." SHITTA
BEY SAID HE INTENDED PUT PACKAGE BEFORE LEGAL COMMITTEE
FOR APPROVAL DEC 6.
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